FILE COPY

Office - Supreme Court, U. S
FILED
AUG 2 1937
CHARLES ELMORE CROPLEY
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 281

ALUMINUM COMPANY OF AMERICA,
Appellant,

vs.

THE UNITED STATES OF AMERICA.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

STATEMENT AS TO JURISDICTION.

WILLIAM WATSON SMITH,
FRANK B. INGERSOLL,
LEON E. HICKMAN,
Counsel for Appellant.

INDEX.

SUBJECT INDEX.

	Page
Statement as to jurisdiction	1
Statutory basis of the jurisdiction	1
Date of the decree sought to be reviewed and date of application for appeal	2
Nature of the case	2
Substantial nature of the questions involved	2
Exhibit "A"—Opinion of the District Court of the United States for the Western District of Pennsylvania	4
Exhibit "B"—Opinion of the District Court of the United States for the Western District of Pennsylvania of May 14, 1937, granting preliminary injunction	10

TABLE OF CASES CITED.

Swift & Company v. *United States*, 276 U. S. 311	1
United States v. *California Cooperative Canneries*, 279 U. S. 553	1

STATUTES CITED.

Expediting Act of February 11, 1903, c. 544, Section 2; 32 Stat. 823, as amended by the Act of March 3, 1911, c. 231, Section 291; 36 Stat. 1167 (15 U. S. C. A. 29)	1
Judicial Code, Section 238, as amended (28 U. S. C. A. 345)	1

IN THE

DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOVEMBER TERM, 1912.

IN EQUITY.

No. 159

UNITED STATES OF AMERICA

vs.

ALUMINUM COMPANY OF AMERICA.

STATEMENT OF JURISDICTION UNDER RULE 12 (1) OF THE SUPREME COURT OF THE UNITED STATES.

The appellate jurisdiction of the Supreme Court of the United States over this case is invoked under the so-called Expediting Act of February 11, 1903, c. 544, § 2, 32 Stat. 823, as amended by the Act of March 3, 1911, c. 231, § 291, 36 Stat. 1167 (15 U. S. C. A. § 29), and Section 238 of the Judicial Code, as amended (28 U. S. C. A. § 345). The applicability of these statutory provisions to a case such as this is shown by *Swift & Company v. United States*, 276 U. S. 311, 321-323 (1928, opinion by Mr. Justice Brandeis), and *United States* v. *California Cooperative Canneries*, 279 U. S. 553, 555-559 (1929, opinion by Mr. Justice Brandeis).

The validity of no statute is involved.

The date of the final decree sought to be reviewed is July 27, 1937, and the application for appeal is presented on the same day.

The case arises under the anti-trust laws. The United States by petition in equity has secured a decree in the above captioned case under date of June 7, 1912, enjoining present and prospective violations of the anti-trust laws. Later, on April 23, 1937, it filed another petition in equity in a different court, namely, the District Court of the United States for the Southern District of New York, against Aluminum Company of America, and others, seeking equitable relief against the parties defendant because of alleged violations of the anti-trust laws. The Aluminum Company of America thereupon filed a petition, in the earlier equity action in this Court, praying for an injunction to restrain enumerated law officers of the United States from prosecuting in the New York court the second action against the Aluminum Company of America, its 100% subsidiaries, or its present or former officers and directors in their official capacities, such petition for injunctive relief being predicated upon the contention that the second action in equity by the United States embraced subject matter and issues substantially identical with those presented in the first suit. Pursuant to the prayer of the petition a preliminary injunction was granted, but was vacated on final hearing pursuant to the terms of a final decree entered July 27, 1937, wherein the petition of Aluminum Company of America was dismissed, an order of April 27, 1937, wherein said Government counsel had been named as parties defendant in the original equity action in this Court, and the preliminary injunction, were vacated and the injunctive relief prayed for was denied.

The substantial nature of the questions involved is shown by the opinion of the Circuit Judges (Davis, Thompson

and Biggs, JJ.) sitting as a statutory Expediting District Court of the United States for the Western District of Pennsylvania pursuant to an expediting certificate filed by the Attorney General of the United States in the above captioned case under authority conferred on him by the aforementioned Expediting Act of 1903, in which opinion a final injunction was refused; and by the earlier opinion of the Court (Gibson, D. J.) granting a preliminary injunction; as well as by the expediting certificate filed by the Attorney General at the above number and term.

Copies of the aforementioned opinions are attached hereto.

WILLIAM WATSON SMITH,
FRANK B. INGERSOLL,
LEON E. HICKMAN,
Solicitors for Aluminum Company of America.

EXHIBIT "A".

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

NOVEMBER TERM, 1912.

In Equity.

No. 159.

UNITED STATES OF AMERICA, *Petitioner*,

vs.

ALUMINUM COMPANY OF AMERICA, *Defendant*.

Before Davis, Thompson and Biggs, Circuit Judges, Comprising Special Expediting Court.

Opinion.

THOMPSON, *Circuit J.*:

This cause comes before us as an Expedition Court, composed in accordance with the provisions of section 1 of the Expedition Act (15 U. S. C. A. 28) and in response to a certificate filed by the Attorney General that the cause is a suit in equity in which the United States is complainant, which has become of general public importance. The following facts led up to the formation of the Court:

On April 23, 1937 the Attorney General on behalf of the United States filed suit in the District Court for the Southern District of New York under the Sherman Antitrust Act (15 U. S. C. A. 1, 2, 4) against Aluminum Company of America and sixty-two other defendants, charging monopoly and conspiracies to restrain and monopolize trade and commerce in aluminum and related commodities. A copy of the petition is set out in full in the appendix to this opinion. On April 29, 1937, Aluminum Company of America filed a petition in the District Court for the Western District of Pennsylvania in an old suit entitled "United

States of America, Petitioner v. Aluminum Company of America, Defendant," alleging that the subject matter and issues adjudicated in this old Pennsylvania suit were identical with the subject matter and issues in the New York suit. The Pennsylvania suit had terminated in a consent decree filed June 7, 1912. By order dated April 29, 1937 United States District Judge Gibson made the Attorney General and seven other members of the Department of Justice parties defendants in the old Pennsylvania suit, restrained them from proceeding in the New York suit and ordered them to show cause why a preliminary injunction should not issue. On May 6, 1937 government counsel entered a special appearance in the District Court for the Western District of Pennsylvania, and moved to quash service, to set aside the Marshal's returns, to dismiss Aluminum Company of America's petition and to vacate the restraining order. On May 14, 1937 Judge Gibson issued a preliminary injunction restraining the Attorney General and his assistants from proceeding with the New York suit. On June 8, 1937 the Attorney General filed an expediting certificate in the District Court for the Western District of Pennsylvania and on June 14, 1937 this Expedition Court was formed, subject to the right of the defendants to object to the jurisdiction of the Court. On June 17, 1937 answers to the suit in the District Court for the Southern District of New York were filed by the defendants in that suit. We set out in the appendix the most comprehensive of these answers, that of the Aluminum Company of America.

This Court was formed and its jurisdiction properly invoked in conformity with section 1 of the Expediting Act which provides:

> "In any suit in equity brought in any district court of the United States under sections 1 to 7, inclusive, or section 15 of this chapter or any other statutory provisions having a like purpose enacted after February 11, 1903, or that may be enacted wherein the United States is complainant, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such

clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select; or, in case the full court shall not at any time be made up by reason of the necessary absence or disqualification of one or more of the said circuit judges, the justice of the Supreme Court assigned to that circuit or the other circuit judge or judges may designate a district judge or judges within the circuit who shall be competent to sit in said court at the hearing of said suit. In the event the judges sitting in such case shall be equally divided in opinion as to the decision or disposition of said cause, or in the event that a majority of said judges shall be unable to agree upon the judgment, order, or decree finally disposing of said case in said court which should be entered in said cause, then they shall immediately certify that fact to the Chief Justice of the United States, who shall at once designate and appoint some circuit judge to sit with said judges and to assist in determining said cause. Such order of the Chief Justice shall be immediately transmitted to the clerk of the district court in which said cause is pending, and shall be entered upon the minutes of said court. Thereupon said cause shall at once be set down for reargument and the parties thereto notified in writing by the clerk of said court of the action of the court and the date fixed for the reargument thereof."

We could make a preliminary determination as to whether service of process upon government counsel outside the Western District of Pennsylvania is void, but deem it of paramount importance to determine the controversy upon its merits rather than upon questions of practice and procedure.

The real question before this court is whether the United States has the right under the facts of this case to proceed

in the District Court for the Southern District of New York by an original bill rather than by a supplemental bill in the 1912 suit in the District Court for the Western District of Pennsylvania. We emphasize the negative proposition that this Court is not called upon to rule whether a monopoly exists, whether there is a conspiracy in restraint of trade or whether the corporate structure of Aluminum Company of America should be revised.

It may be stated as a general proposition that if the subject matter is identical a Federal Court first acquiring jurisdiction over the subject matter may enjoin a second suit in another court in which it is sought to defeat the first court's jurisdiction. Steelman *v.* All Continent Corporation, 57 S. Ct. 705, opinion filed April 26, 1937.

Are the issues, the parties, the subject matter and the relief sought in the 1937 New York suit substantially identical with those of the 1912 Pennsylvania suit? We think not. The Pennsylvania suit was against one defendant, the Aluminum Company of America; the New York suit is against Aluminum Company of America and sixty-two additional defendants. Even if wholly owned subsidiaries, officers and directors of Aluminum Company of America are considered as being included in the Pennsylvania suit because of their relationship to the sole defendant in that case, the record discloses that twenty-three of the defendants in the New York suit were neither subsidiaries, officers nor directors of the Aluminum Company of America. In fact some of the corporate defendants in the New York suit were not in existence in 1912.

Turning from a comparison of parties defendant to that of issues, we find only such similarity as may exist between an infant and a full grown man. The acts complained of may be similar in character but are different in fact. In the Pennsylvania action the United States based its antitrust suit against the Aluminum Company of America upon alleged monopolistic and restrictive practices. The United States expressly conceded that the monopoly enjoyed by Aluminum Company at the time of suit was lawful because of its ownership of unexpired basic patents, but complained of the unlawful means employed to perpetuate the monopoly

as evidenced by contracts with the Swiss Aluminum Company, the General Chemical Company, the Norton Company, the Pennsylvania Salt Company and an agreement with Kruttschmidt Coleman. In the New York action the United States based its antitrust suit upon an alleged unlawful monopoly and set forth, in detail, devices used by the defendants designed to curtail imports of aluminum and related commodities by American firms, and exports to the United States by foreign producers. Twelve paragraphs of the New York petition are devoted to fact allegations meant to and tending to demonstrate that Aluminum Company of America has a ninety to one hundred percent monopoly of various aluminum and related commodities and thereby has the power to fix arbitrary and unreasonable prices. This is alleged to be in violation of the Sherman Antitrust Act regardless of the devices used to perpetuate the monopoly.

When we examine the respective petitions, it becomes obvious that whereas the United States, in the Pennsylvania suit, treated the existence of a monopoly as wholly lawful but complained of the devices used to maintain the monopoly after the expiration of patents owned by the defendant, by the time it brought the New York suit the issue had become not whether any specific device was lawful but whether the monopoly which existed in 1937 was lawful.

The most powerful argument to sustain the contention that the suits are not identical can be found in the nature of the relief sought. The New York petition prays that the Aluminum Company of America be dissolved; that its properties be rearranged under several separate and independent corporations; that receivers be appointed; and that the stockholders of Aluminum Company of America and of Aluminum Limited divest themselves of their stock in one or the other of these corporations. This is in strong contrast to the 1912 Pennsylvania petition in which the United States sought merely to eliminate certain practices of the Aluminum Company of America which the United States deemed objectionable under the Sherman Antitrust Act.

Our conclusion is that the two suits are not so similar as to parties defendants, subject matter, issues or relief sought as to entitle the defendants to injunctive relief.

We are not impressed with the argument that it would be inconvenient for Aluminum Company of America to defend the suit in New York. If the fact that it may be necessary for a defendant to retain counsel and prepare a defense amounts to irreparable harm, such as to justify relief by injunction, then an injunction would be available to any defendant in any suit. Moreover, no matter in what jurisdiction the suit is tried a certain burden of inconvenience will of necessity be borne by the parties litigant. We think this phase of the argument is mere makeweight.

In view of our decision on the merits of the controversy, we deem it unnecessary to determine whether the Western District of Pennsylvania or the Southern District of New York is the proper venue for all antitrust actions involving the Aluminum Company of America as one of the parties litigant.

The petition of Aluminum Company of America is dismissed, service of process upon government counsel is quashed, the ex parte order of April 29, 1937 and the preliminary injunction of May 14, 1937 are vacated and the injunctive relief prayed for is denied.

A true Copy. Teste:

____ ____,

Clerk of the United States Circuit Court of Appeals for the Third Circuit.

EXHIBIT "B".

Opinion of District Court of the United States for the Western District of Pennsylvania of May 14, 1937, Granting Preliminary Injunction.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

NOVEMBER TERM, 1912.

In Equity.

No. 159.

UNITED STATES OF AMERICA

v.

ALUMINUM COMPANY OF AMERICA.

OPINION ON PRELIMINARY INJUNCTION.

Opinion. (Filed May 14, 1937.)

GIBSON, *District Judge:*

On April 23, 1937, the United States, represented as counsel in their official capacities by Homer S. Cummings, Attorney General, Robert H. Jackson, Assistant Attorney General, Wendell Berge, Walter L. Rice and John W. Aiken, Special Assistants to the Attorney General, Special Attorneys N. A. Townsend, Jr., and F. Gwyn Harper, Jr., and Lamar Hardy, United States Attorney for the Southern District of New York, filed a petition in equity in the Southern District of New York wherein the Aluminum Company of America, a number of its subsidiaries, and certain present or past officers of the Aluminum Company, or its subsidiaries, were charged with violations of the Sherman Anti-trust Act, and the court was prayed to grant injunctive relief and to order that the Aluminum Company be dissolved.

On April 29, 1937, the Aluminum Company of America filed its petition in this court at No. 159 November Term, 1912, wherein it set forth the existence of a proceeding in this court, at that number and term, which had been instituted by the then Attorney General and in which practically the same charge had been made as was put forth in the bill in the Southern District of New York. This proceeding had proceeded to the point of a consent decree, it was further recited, in which practically the same injunctive relief had been granted as was prayed in the New York petition, but in which was no decree ordering the dissolution of the Company. The Aluminum Company claimed, in view of the facts set forth, that jurisdiction over the subject matter of the New York action was in this court, not in the District Court for the Southern District of New York, and prayed injunctive relief against the Attorney General and his Assistants.

Pursuant to the petition of the Aluminum Company, upon proper showing, this court granted a temporary restraining order and fixed May 7, 1937 as the date for hearing thereon. In its petition the Aluminum Company sought to join the Attorney General and his Assistants, *supra*, as parties to the action in this District, and subpœnas upon them were issued. They were also served with notices of the restraining order.

Upon the return day of the temporary restraining order Robert H. Jackson, Assistant Attorney General, and Walter L. Rice, Special Assistant to the Attorney General, appeared specially and moved the court to quash the service of the subpœnas, set aside the return thereon, dismiss the defendant's petition and vacate the restraining order. After argument this motion was taken under advisement, and testimony was heard on the part of the Aluminum Company in support of its petition for a preliminary injunction. The representatives of the Attorney General were allowed to participate in this hearing without prejudice to their rights under the motion.

The service of notices of the restraining order and of the subpœnas was made, not in this District, but in Washington, D. C., and in New York. While this is given as the basis of the motion, it in turn is founded upon the verbal conten-

tion that the original proceeding in this District is dead, by reason of the length of time between the present and the date of the consent decree, June 7, 1912.

If it were to be admitted that this contention is sound, then no question can exist as to the power of the Attorney General to institute the action in the Southern District of New York. The Congress has given him the power, deprecated though its exercise may be at times, to bring such a suit in any District in which the defendant transacts business. But we have been unable to find any statute or other authority which places any limit upon the life of a perpetual injunction or upon the time during which the jurisdiction of the court issuing it shall endure. On the contrary, a number of cases may be cited in which parties have, by supplemental bill or petition, applied to the court of original jurisdiction for more drastic enforcement, or modification, of the decree long after its issuance. An example is *United States* v. *Standard Oil Company of New Jersey*, 47 F. (2d) 288. By the original decree, in 1911, the Standard Oil Company of New York and the Vacuum Oil Company were two of the companies separated. About twenty years later the two companies sought to merge. The Attorney General filed a supplemental petition in the court of original jurisdiction to enjoin the merger. This petition was denied, but without any question by the court as to the propriety of the procedure. Again, the United States, some years after the injunctive decree had been granted in *United States* v. *International Harvester Co.*, 274 U. S., 693, proceeded by supplemental petition in an attempt to amend the original decree and secure the dissolution of the Harvester Company. And again no question was raised as to the propriety of the procedure. The anti-trust decree against the large meat packers was entered in 1920. Ten years later Swift & Co., an original defendant, filed a petition for a modification of the original decree. The court held, opinion by Mr. Justice Cardozo, that the existing decree could be altered only upon a showing of changed conditions. It is patent that no court other than the court of original jurisdiction could determine whether conditions had changed.

In *United States* v. *Swift & Co., supra,* Mr. Justice Cardozo mentioned the fact that power to modify the decree

had been reserved, but stated: "If the reservation had been omitted, power there still would be by force of principles inherent in the jurisdiction of chancery."

Having reached the conclusion that mere passage of time is not sufficient to deprive a court of jurisdiction over the subject matter of its original decree, as we have, the next matter for consideration is whether or not any close relation exists between the subject matter of the New York petition and that of the bill in this District. An examination of the two pleadings will disclose their substantial identity in many respects. The New York petition, it is true, is filed against a number of subsidiaries of the Aluminum Company of America and a number of individual officers. But no question exists as to what is the parent body, and all defendants could be brought in to the original suit by supplemental bill under the provisions of Section 15 of the Clayton Act (15 U. S. C. A., Sec. 25). The New York petition recites, among the specific acts of the defendant in alleged violation of the Sherman Anti-Trust Act, many of the same specific acts charged in the original petition. The injunctive relief granted in the decree in this District might well answer all the prayers of the New York petition except that for the dissolution of the Company. Dissolution of the defendant, it will be remembered, was made the subject matter of a supplemental bill in *United States* v. *International Harvester Co., supra.*

A conclusion that the original proceeding still has force and effect, and that the New York petition presents nothing other than additional outgrowth of the original matter in the petition in this District, seems to force this court to deny the motion of the representatives of the Attorney General and to grant the preliminary injunction prayed. See *Looney* v. *Eastern Texas R. R. Co.*, 247 U. S. 214.

The present petition of the Aluminum Company is not an independent action against the United States or its legal representatives, but is merely ancillary to the original action in which the United States has submitted itself to the court by the institution of its suit therein. The Government and its counsel are already in court, in theory, and this being so, all that is necessary is that its legal representatives receive

due notice of the supplementary proceeding instituted; and such notice may be given without reference to their citizenship or residence. That the original counsel have been succeeded by others does not change the situation. The successors are in privity with their predecessors. *New Orleans* v. *Citizens Bank,* 167 U. S. 371.

As illustrative of principles involved in the instant question is the case of *Georgia Power Co.* v. *Tennessee Valley Authority,* 17 Fed. Supp. 769. The plaintiff had filed a bill in the Northern Georgia District wherein it prayed, *inter alia,* a preliminary injunction against the defendant. Upon hearing this prayer was denied. Thereupon plaintiff filed a like bill in the Middle District of Tennessee. The District Court for the Northern District of Georgia then enjoined the plaintiff from proceeding with the latter action. The court, Underwood, D. J., felt, as we feel in the instant case, that it is the duty of the court of original jurisdiction to preserve that jurisdiction in the interest of orderly procedure. This ruling of the Georgia Court has been sustained upon appeal by the Circuit Court of Appeals for the Fifth Circuit.

A preliminary injunction will issue, as prayed in the defendant's petition, and the motion of the Assistant Attorney General and the Special Assistant to the Attorney General will be denied.

MOTION TO ADVANCE ARGUMENT

FILE COPY

Office - Supreme Court, U. S.
FILED
SEP 27 1937
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

NO. 281 OCTOBER TERM, 1937.

ALUMINUM COMPANY OF AMERICA,
Appellant,

v.

THE UNITED STATES OF AMERICA.

MOTION TO ADVANCE ARGUMENT.

WILLIAM WATSON SMITH,
FRANK B. INGERSOLL,
LEON E. HICKMAN,
Counsel for Aluminum Company of America.

1025 Union Trust Building,
Pittsburgh, Pa.

SMITH BROS. CO. INC., LAW PRINTERS, 208-212 GRANT STREET, PITTSBURGH, PA.

IN THE

Supreme Court of the United States

NO. 281 OCTOBER TERM, 1937.

ALUMINUM COMPANY OF AMERICA,
Appellant,

v.

THE UNITED STATES OF AMERICA.

MOTION TO ADVANCE ARGUMENT.

To the Honorable Charles Evans Hughes, Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States:

The undersigned, on behalf of the above named appellant, pray that argument in this case may be advanced to a day certain satisfactory to this Honorable Court but preferably not earlier than one month from the date of disposition of this motion, such time being necessary for the preparation of briefs.

The matter involved is the right of the United States to maintain an action in equity under the anti-trust laws against the Aluminum Company of America in the United States District Court for the Southern District of New York under the following circumstances: The United States by petition in equity had secured a decree of the District Court of the United States for the Western District of Pennsylvania in the above captioned case under date of June 7, 1912, enjoining enumerated existing and prospective violations of the anti-trust laws. That decree, as modified on October 25,

1922, pursuant to a supplemental proceeding brought by the Aluminum Company of America, remains in full force and effect. On April 23, 1937, the United States filed another petition in equity in the District Court of the United States for the Southern District of New York, seeking equitable relief against various parties defendant, including the Aluminum Company of America and its officers, directors and most of its 100% subsidiary corporations, because of alleged violations of the anti-trust laws. The Aluminum Company of America thereupon filed a petition, in the earlier equity action in the Pennsylvania court, praying for an injunction to restrain enumerated law officers of the United States from prosecuting in the New York court the second action against the Aluminum Company of America, its 100% subsidiaries, or its officers or directors in their official capacities, such petition for injunctive relief being predicated upon the contention that the second action in equity by the United States embraced subject matter and issues substantially identical with those presented in the first suit. Pursuant to the prayer of the petition and after a preliminary hearing and argument by counsel for both sides a preliminary injunction was granted. Before a final hearing was held, the Attorney General of the United States filed an expediting certificate under the so-called Expediting Act of February 11, 1903, c. 544, § 1, 32 Stat. 823, as amended (15 U. S. C. A. § 28), certifying that in his opinion "this cause recently has become a case of general public importance requiring the prompt consideration of at least three judges comprising an Expedition Court." The available judges of the United States Circuit Court of Appeals of the Third Circuit thereupon impaneled Circuit Judges Davis, Thompson and Biggs as a statutory Expediting District Court of the United States for the Western District of Pennsylvania. The said judges thereupon held a final

injunction hearing and seasonably thereafter vacated the preliminary injunction and refused a permanent injunction, pursuant to the terms of a final decree entered July 27, 1937. The appellant is appealing from that decree.

In support of the motion to advance the argument of this case the following reasons are submitted.

1. The case is one of general public interest, as evidenced by the aforementioned expediting certificate of the Attorney General, and is of a nature entitled to precedence in several respects (although not in the matter of argument before this Court) by the so-called Expediting Act of February 11, 1903, c. 544, 32 Stat. 823, as amended (15 U. S. C. A. §§ 28-29).

2. An early determination of the issue involved is of importance to the appellant in view of the action pending against it in the District Court of the United States for the Southern District of New York.

Respectfully submitted,

WILLIAM WATSON SMITH,
FRANK B. INGERSOLL,
LEON E. HICKMAN,
Counsel for Aluminum Company of America.

Dated September 27, 1937.